

REMARKS

In the Office Action dated April 1, 2010, the Examiner provisionally rejected claims 48-88 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent 7,497,887 to Baumann.

Claims 48-88 were rejected under 35 USC 112, second paragraph for not clearly identifying to which elements the tractive and compressive forces are transmitted.

Claims 48-88 were rejected under 35 USC 102(a) as being anticipated by WO 2004/007052 A1.

By the present amendment, the applicant has amended the independent claims to more clearly and distinctly define the claimed invention. For example, claims 48, 65, and 88 have been amended to define that only the screw cap and the intermediate cap have detachable connection members that can be brought into engagement with each other. The intermediate cap and the filter element are unconnected relative to each other and are constructed free of elements that would interconnect with each other. This feature was previously defined in claim 62. Further, claims 48, 65 and 88 have been amended to specify that the transmission of tractive and compressive forces is between the screw cap and the intermediate cap. Thus, the claims have been amended to address the 112 rejection and to more clearly define to which elements the described tractive and compressive forces are transmitted.

Applicant submits that the claims as now presented are not anticipated by WO2004/007052, nor are they obvious over the claims of 7,497,887. It should be noted that the '887 patent issued from the PCT application published as WO 2004/007052, and therefore, both references share the same disclosure.

The independent claims now clearly define the screw cap and the intermediate cap as having connection members that can transmit at least axial tractive forces or axial tractive forces and compressive forces relative to each other. In WO 2004/007052 the screw cap 41 and the intermediate cap 5. Connection members 44 (hooks) and 56 (fins) are provided between the lower end of the screw cap 41 and the outer perimeter of the intermediate cap 5. ('887 patent col. 10, line 64 to col. 11, line 9). Also, there are connection means 23, 53 between the intermediate

cap and the filter element (col. 12, lines 19 – 23). Both of these connection arrangements come into engagement when the screw cap 41 is loosened, such that the screw cap, the centrifuge 3, the intermediate cap 5 and the filter element 2 will necessarily be removed from the stationary housing part 42 in a single subassembly. (Col. 12, lines 29 – 36.) Thereafter, the filter element 2 is required to be rotated relative to the intermediate cap in order to disengage the connection means 23, 53 between the intermediate cap and the filter element (col. 12, lines 37 – 44).

In the present invention, as defined in the independent claims, of the removable components, i.e., the screw cap, the centrifuge, the intermediate cap and the filter element, only the screw cap and the intermediate cap have detachable connection members that can be brought into engagement with each other. The intermediate cap and the filter element are unconnected relative to each other and do not have interconnecting elements.

As stated at the third paragraph on page 22 of the substitute specification (paragraph [0097] as published), “After the assembly unit comprising screw cap 41, centrifuge 3 and intermediate cap 5 has been pulled out of the housing part 42, the filter element 2 can, thereafter and if necessary, be separately and easily pulled out of the housing part 42 in an upward direction.” With such a construction, if the filter element does not require removal or replacement, it will remain in place when the screw cap and the intermediate cap are removed. In the cited art, the filter element will always be removed with the intermediate cap and the screw cap, even if it is not needed to be.

Such a structure as now more clearly defined in the claims is distinctly different from the structure disclosed in WO 2004/007052 or claimed in USP 7,497,877, so as to render the present independent claims novel and non-obvious in view of those references. Since both references have the same disclosure, and since both references teach specifically away from the structure claimed in the present independent claims, applicant submits that the rejection of the claims as being anticipated by WO 2004/007052 should be withdrawn and the provisional rejection of the claims as being obvious over the claims of USP 7,497,877 should also be withdrawn.

With all of the independent claims now in allowable form under 35 USC sections 102, 103 and 112, applicant submits that all of the dependent claims are allowable as well. Applicant requests the Examiner to indicate all claims as allowed and to pass the application to issue.

The Commissioner is hereby authorized to charge any additional fees which may be required to this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

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